

REMARKS***Response to Restriction Requirement***

In response to the restriction requirement, applicants have elected the invention of the Examiner's Group II, claims 39-49 and 51, drawn to compounds of formula II and pharmaceutical compositions thereof.

Claim Amendments

Claims 31-38, 50 and 52-60 have been cancelled, without prejudice to applicants' right to prosecute the subject matter thereof in one or more divisional applications.

Claim 39 has been simplified by specifying that ring C is a heterocyclic moiety, thereby obviating the need to exclude the four compounds listed in the proviso at the end of the claim, which compounds were excluded by reason of the disclosure of WO 95/15758 and other documents in that series.¹ The amendment to ring C furthermore distinguishes the claims from the compound 6,7-dimethyl-4-(1-naphthylsulphanyl)quinazoline, also by reason of the disclosure of WO 95/15758. This amendment has been made in this manner as a matter of simplicity and convenience, and without abandonment or prejudice to applicants' right to prosecute any deleted subject matter beyond the five named compounds, in one or more continuing applications. Claim 39 has also been simplified by removing "hydrogen" from the direct definition of R², considering that R² being hydrogen is precluded by the proviso at the end of this claim. Claim 46 has been amended to remove the first named compound, to be consistent with the breadth of independent claim 39 as amended above.

¹ The Examiner's attention is called to the U.S. Patent and published PCT application documents identified as being by Myers et al. and Spada et al. on the October 23, 2003 form PTO-1449 included with the Information Disclosure Statement submitted herewith.

New dependent compound claim 61 has been added, directed toward a compound of claim 39 wherein ring C is selected from indolyl and quinolinyl. Support for the claim is found throughout the specification, *e.g.*, at page 13, line 5.

New method claim 62 has been added, which is consistent with the method of broader non-elected claim 31, except that the compound scope is identical to (dependent upon) the compound scope recited in elected claim 39. Consideration of this method claim together with the compound claim upon which it is dependent is clearly appropriate under PCT Rule 13 as interpreted by the U.S. Patent and Trademark Office in Annex B, "Unity of Invention, Part I, Instructions Concerning Unity of Invention" appearing at pages AI-63 of the MPEP, 8th Edition, Rev. Feb. 2003. Paragraph (c) on that page provides that unity of invention is not even an issue between an independent claim and a claim dependent thereon. Moreover, paragraph (e)(i) provides, even if both claims are independent:

(e) Combinations of Different Categories of Claims. The method for determining unity of invention under Rule 13 shall be construed as permitting, in particular, the inclusion of any one of the following combinations of claims of different categories in the same international application:

(i) in addition to an independent claim for a given product, an independent claim for a process specially adapted for the manufacture of the said product, and an independent claim for the use of said product

Therefore the examination of dependent method claim 62 within elected Group II in this application is appropriate, and is respectfully requested.

Following entry of the above amendments, claims 39-49, 51 and 61-62 are pending in this application.

The Examiner's attention is called to the Second Information Disclosure Statement that is being filed together with this Response, which is accompanied by a form PTO-1449

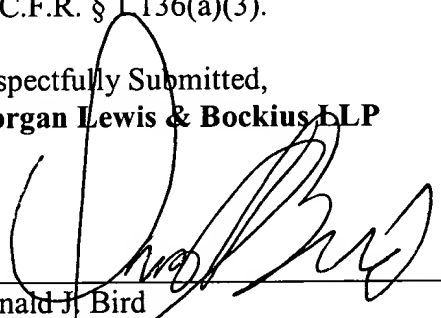
and a copy of each of the documents listed thereon. It is respectfully requested that these documents be considered prior to issuing a first action on the merits, and that such consideration be acknowledged by the Examiner's initials where indicated and return of an initialed copy of the form PTO-1449 to the undersigned.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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